

Lawmakers disagree over La. court redistricting

ATT FEB 22 2011
The Associated Press

BATON ROUGE — When lawmakers gather next month to redraw state political district lines, maps for the Louisiana Supreme Court and state appeals courts may be left on the cutting room floor.

The Legislature is required to redraw the boundary lines of congressional, state House and Senate, Public Service Commission and education board districts when new census figures are released every 10 years. But there's no such requirement about the courts.

The state's congressional delegation will shrink from seven members to six for the 2012 elections because Louisiana's anemic population growth hasn't kept up with that of other states. New Census data also will force a reworking of state political maps that will strip clout from New Orleans in the Louisiana Legislature and send more legislative seats to the city's suburbs and the capital area region, while triggering debate over the racial composition of districts.

Two sets of judicial districts, for the Supreme Court and the five state appeals courts, were included in the agenda for the special redistricting session set to start March 20. House and Senate leaders are split on whether the work actually will get done.

Senate President Joel Chaisson said if the state Supreme Court doesn't submit a recommended plan for redrawing the court lines, lawmakers won't have time to haggle over them in the three-week special session.

"It does not have to be done this year," said Chaisson, D-Destrehan.

House Speaker Jim Tucker said he wants the court lines revamped during the session. He notes that a Baton Rouge-based federal judge wants lawmakers to rework the appeals court districts as part of pending litigation alleging improper representation among the districts.

"We don't want to leave it to (the judge) to do. If that's what the Senate wants to do, that's their prerogative. I think the House wants to take a look at fixing the problem," said Tucker, R-Terrytown.

If both sides don't agree, however, the court districts won't be changed.

The Supreme Court justices are considering Chaisson's request to come up with

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a consensus on how to redesign the judicial districts, but they haven't committed to devising a plan by the March special session.

"Our first choice is to be left alone and not to be redistricted, just leave the districts the way they are. That's what the courts would prefer," said Valerie Willard, a Supreme Court spokeswoman. "But given that the Legislature has the authority and has asked us to consider a plan that might work for us, they're looking at that."

The redistricting session is tied to the release of the 2010 U.S. Census data, to account for population shifts over the last decade and make the congressional, legislative, PSC and education board districts largely even in the number of people represented in each district.

The last time the Legislature reworked the Supreme Court districts was in 1997.

A legislative analysis of the latest census data shows the districts vary widely, from representing about 438,000 people in the New Orleans-based district held by Justice Bernette Johnson to more than 791,000 people in the Baton Rouge-based district held by Chief Justice Catherine "Kitty" Kimball.

Tucker said while the Supreme Court districts aren't required to meet the "one man, one vote" standard of state legislative and congressional districts, he doesn't think the districts should be sized so differently.

"Is it fair for one district to be so significantly larger than the rest, so the people in the district are under-represented?" he asked.

In the appeals court districts, questions have been raised about whether each district has the appropriate number of judges, whether new minority judgeships should be created to reflect the area populations and whether there are imbalanced caseloads between the courts.

Meanwhile, U.S. District Judge James Brady asked

lawmakers to review the makeup of the appeals court districts, specifically the Fifth Circuit Court of Appeal that represents several parishes along the Mississippi River.

A lawsuit says the Legislature hasn't redesigned the appellate court districts since 1980 and claims the courts should be redistricted to meet federal requirements about minority representation and to account for population changes in the last three decades.

Brady put the lawsuit on hold to give the Legislature "an opportunity to remedy the problems set forth in the lawsuit," according to a November order.

"Judge Brady has hauled us all into court and said basically, 'If y'all don't do it, I will,' and so that's why we included it" in the special session agenda, Tucker said.

But with a constitutional separation of powers between the legislative and judicial branches, some lawmakers don't think the Legislature should get involved in drawing court lines at all.